



## A REFLECTION ON RACE-BASED ADVOCACY AND COMMUNITY LAWYERING

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One approach to “race-based” advocacy is to look not at the particular race conscious aspects of a given controversy but, instead, to identify discrete communities and neighborhoods of color and offer them, as a community, a full array of community building, organizing and transactional tools so that they can build the power and institutions needed to speak with one voice and thereby command the respect, resources and political attention necessary to transform their neighborhood and themselves.

The Arlington District in Lawrence, Massachusetts is in the process of rebuilding itself through resident initiatives with the assistance of Neighborhood Legal Services’ (NLS) Community Counsel Program after suffering through 30 years of massive disinvestment, abandonment, neglect and decline. This unique neighborhood lies in a valley in the north-central part of the city. Its mostly three-decker homes were built more than 100 years ago as mill worker housing for the factories that dominate Lawrence. This housing has functioned historically as a gateway for waves of new immigrants seeking to establish themselves in the United States, starting with the Irish and most recently Latinos, with Puerto Ricans and Dominicans predominating.

By 1990, the Arlington District was the poorest neighborhood in the poorest city in Massachusetts, 27th overall in the U.S. The 1990’s rocked the District with high unemployment, an arson epidemic, two severe floods of the neighborhood’s Spicket River, and then the devastating 1996 fire of Malden Mills, the area’s largest employer.<sup>2</sup> During this period, the city did little to address the problems in the neighborhood except to demolish burnt-out buildings and increase the police force.

The aftermath of the Malden Mills fire brought forth a call from some city officials to bring in federal funds to bulldoze the entire Arlington District and replace it with a large industrial park. The Arlington residents, with help from the local Catholic parish, rose

in opposition to their proposed displacement. They formed a group known as the Arlington Neighborhood Association (ANA) and through aggressive advocacy and media work, they convinced city officials to shelve the neighborhood demolition plan. ANA leaders recognized that opposition alone was not adequate, however, and decided to begin the process of developing a neighborhood revitalization plan that would focus on resident needs by saving existing housing, reusing vacant lots, supporting the rebuilding efforts of Malden Mills and getting the city government to reinvest in the neighborhood’s long-neglected infrastructure — schools, streets, sidewalks, and parks.

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As ANA was getting off the ground, NLS had just completed a comprehensive needs assessment and discovered broad support for a program to provide legal and organizational support to low-income based community initiatives. The executive director presented a vision to the board and staff for a staff attorney position dedicated to working with residents and existing community groups in low-income neighborhoods to help empower residents to meet their job, housing and community needs. After much analysis and discussion, NLS decided the time had come to create a specific

Community Counsel position, a staff member who would primarily use transactional and community organizing skills to work with consumers and local organizations in low-income communities. This approach would not only help NLS build its credibility with consumers and local community leaders, but also could be instrumental in creating stronger institutions for consumer self-help. In addition, it was hoped that the Community Counsel Program would generate a strong perception among governmental and other institutions that NLS is a central player in the policies affecting low-income communities and can be ignored only at the policymaker's peril.

New funds were allocated and existing resources shifted to get the program off the ground. The program hired an attorney with a 20 year background in community low-income organizing. His first challenge was creating new policies and procedures for organizational intakes. Then an outreach campaign was designed. The Community Counsel attorney surveyed the program's territory and easily recognized the importance of the Arlington District and ANA to NLS' work. He reached out to ANA's leaders and quickly developed a working relationship with its volunteer board.

Shortly afterwards, ANA asked NLS for assistance with several projects including redrafting bylaws, grant writing, and reviewing a city project to mitigate flooding of the Spicket River. The bylaws were easily taken care of, and after some effort, a small Community Development Block Grant (CDGB) was secured from the city to help build the organization. The Spicket River flood project, however, soon took on a life of its own.

NLS helped ANA structure and undertake an investigation of the FEMA project's history and current status. This investigation revealed that the city had secured \$2.3 million in federal funding from FEMA and HUD to undertake a flood mitigation project (FEMA Project) solely to buy and demolish housing in the Arlington District. The city's applications proposed an open space reuse plan that contemplated a city park, riverwalk and community gardens. The applications also prioritized purchasing lands on the north side of the Spicket River in three phases with the potential for south side purchases in a final phase. The plan appeared to reflect reports from the 1996 and 1998 floods which showed the worst flooding on the north side of the river. FEMA, state and city officials reaffirmed these plans to ANA leaders at project meetings, along with their view that the demolition project was the best solution to the

flooding. ANA was reassured that the residents would be involved in the reuse planning.

The acquisition phase was launched after a new mayor took office in 1999. Unbeknownst to ANA, however, the city crafted a property selection criteria that shifted the project south of the Spicket River. It targeted houses laying adjacent to Central Catholic High School, a powerful institution in Lawrence not affiliated in any way with the local Catholic parish serving the neighborhood. The school's political power seems best reflected by the fact that seven of the nine city councilors and the mayor either attended the school themselves, have children attending, or serve on its Board of Directors. Unlike the rest of the city, Central's student population is 90% white, mostly from affluent suburban communities outside of Lawrence. In comparison, 54% of Lawrence's population in 1999 were minorities, the only minority-majority city in Massachusetts, and the school sits in the Arlington District which is 87% Latino.

The city's real intentions regarding the FEMA project were first revealed when NLS and ANA discovered that Central submitted a HUD funding application to plan the reuse of the recently purchased FEMA lands. The application disclosed that the mayor had designated Central to take over the FEMA properties, which now comprised 13 parcels on two acres, all adjacent to the school. Central proposed that the land be used for a girl's softball field and expanded school parking. The school also wanted to close two city streets to give itself an expanded campus environment.

When presented with this information, ANA's leaders decided to fight for a city park designed to meet their needs and requested NLS' help to fulfill that promise. NLS drafted and submitted a CDBG counter proposal for neighborhood residents to plan and design a park on the FEMA lands. NLS helped ANA's leaders write and distribute an initial complaint letter to the federal and state agencies overseeing the project. The complaint letters became a big story in the local weekly Spanish newspaper. NLS taught ANA's leaders about FOIA's and the state's public record law and assisted them to write FOIA requests. The project files revealed significant questionable activity on the part of the city, including designing a property rating system manipulated to select the properties adjacent to Central Catholic.

More startling to ANA was the discovery that Central Catholic set up a hidden trust that purchased properties in coordination with the city. Project reports showed officials regularly meeting with Central to plan the acquisitions. The trust bought three properties with

project funds advanced by the city, and then flipped the properties to the city. The project manager wrote that these activities were undertaken as part of a hidden agreement to make the public lands available to Central Catholic. NLS played a key role in analyzing the documents and explaining their importance to ANA's leaders. When they understood what had transpired, ANA became emboldened to fight back for the neighborhood.

In the meantime, ANA was forced to react after a new mayor took office and approved a new approach to FEMA called the "Working Group." The city invited ANA to join with Central Catholic and other stakeholders in a series of meetings to attempt a consensus. ANA asked NLS Community Counsel staff to represent it.

This set the stage for ANA's leaders to present its plan to create a multi-use, passive recreational park with a children's playground, amphitheater and riverside walkway. NLS had helped ANA secure an architect who drew up the concept plan. The city officials and Central were shocked at the sophistication of ANA's presentation. More importantly, ANA's leaders were developing great communication and negotiation skills as part of the process.

Despite a difficult start, the Working Group appeared to succeed when one layout option met ANA's stated interests — a park and riverwalk built along the river, and allowed Central to expand its parking and have a girl's softball field on a portion of the FEMA site. ANA was willing to allow this use for the sake of compromise, and it seemed that a negotiated settlement was at hand.

Central balked, however, shifting position and demanding that the street running along river and through the site be closed. ANA countered that the closing represented unnecessary disruption, would negatively affect small businesses, would reduce access to the new park, and should only be considered after a careful traffic study was completed. At the next meeting, Central turned out the mayor and four city councilors to intimidate ANA into capitulation. Demonstrating new feelings of power, ANA and the residents stood their ground.

The city decided to host several community meetings in an attempt to force the issue. Central sent out flyers to rally their supporters and alumni in favor of its own plan. NLS helped ANA draft information sheets in support of its reuse plan — the multi-use passive recreational park along the river. Community leaders worked hard to turnout the neighbors and they overwhelmingly rallied in support of ANA's position.

In the process of this community based approach, a different set of dynamics emerged. A community learned about itself and built an organization to protect its interests. Its leaders rose to the surface. It learned that urban planning is not just for the experts. It created a permanent, genuine and sophisticated voice for implementing its own vision.

Despite the strong resident support, it became apparent that city officials were intent on presenting Central's plan to the City Council for a final vote. ANA's board voted to authorize a lawsuit to stop any plan that did not create a significant passive recreational park or took away a public street. NLS wrote to the mayor, city council president and Central on behalf of ANA proposing the near-consensus plan that emerged in the Working Group — the "win-win" plan that met Central's stated interests in a ballfield and parking without the loss of any public streets. The letter notified them of ANA's vote to support litigation and documented many of the earlier abuses found in the project documents. At the same time, NLS began preparing a detailed complaint letter from ANA to FEMA and HUD laying out the extent of the abuse and wrongdoing revealed.

Central's response was a wholesale rejection of compromise. The school was determined to use its power to obtain its plan despite the position of the neighbors. With this answer, ANA released the FEMA-HUD complaint letter. From that moment on, Arlington District residents could feel the ground shifting dramatically in Lawrence.

A few weeks after the letter was sent, the mayor invited ANA leaders to meetings to discuss the needs of the neighborhood. With help from NLS, ANA prepared a vision of a revitalized Arlington District. It endorsed an infill housing program as a first priority, followed by needed zoning changes and the development of mixed use properties along the District's major east-west corridor. ANA leaders impressed the mayor with their pres-

entation, their detailed understanding of the neighborhood and the identification of steps needed for implementation. This success was followed by ANA's tour of the neighborhood with the new city planner. The tour ended at the FEMA site where everyone engaged in a discussion of their vision of a revitalized Arlington neighborhood and the crucial role of ANA.

Within a few weeks, ANA recognized that their efforts were succeeding. The mayor announced his new CDBG budget included \$30,000 for ANA to hire an executive director to launch the infill housing program. The state's Environmental Secretary invited ANA to help organize an Urban Rivers workshop for the neighborhood to help plan reuse along the entire Spicket River corridor in North Lawrence. The City Council's Ordinance Committee, charged with recommending a reuse plan, held meetings at which NLS and ANA's leaders presented their neighborhood plan. ANA had one more opportunity to expose the past abuse of their neighborhood and show the strength and benefits that ANA can bring to the city. Finally ANA celebrated victory when the Ordinance Committee proposed and the full city council voted to accept ANA's plan along with a budget of \$700,000 from future CDBG grants to build a new city park on the FEMA site.

What are the lessons from this exercise for NLS and legal service programs more generally? Some readers might interpret the story as one where the deciding factor was a threat of litigation and indeed it may have been. Had that been the only dynamic involved, however, as it might have been with a more traditional legal approach, the neighborhood might have won a victory of sorts, but a victory of a fundamentally different character. At times during the negotiation, city officials, frustrated with the battle, threatened to simply deed over the land that had been taken and leave it at that. This was all that their FEMA obligations ultimately required them to do. The achievable legal victory would have stopped there. No ballfield for Central Catholic, but no real recreational and open space facilities for the community either. In a purely adversarial model that failed to build a community institution with power, expertise and vision, the community's victory would have been essentially a negative one; stopping an opponent from getting their way, embarrassing the involved public officials, but achieving little else.

In the process of this community-based approach, a different set of dynamics emerged. A community learned about itself and built an organization to protect its interests. Its leaders rose to the surface. It learned that urban planning is not just for the experts. It creat-

ed a permanent, genuine and sophisticated voice for implementing its own vision. City and state officials recognized all of this. They saw that on the merits, ANA had become smarter, more articulate, more reasonable and more responsible than the powerful institution those same officials had entered the picture prepared to support unconditionally.

As a result, a new park, designed by the residents to meet their needs, will emerge as a genuine symbol of the neighborhood's political and civic coming of age. ANA's entire redevelopment and economic revitalization plan for the neighborhood is now the plan from which all discussion of future efforts will begin. ANA was even invited to extend its vision beyond the neighborhood as state officials, impressed by its role in the park process, offered it central responsibility for developing a plan that encompasses the entire river corridor including now unused parts of the huge Malden Mills campus that present incredible opportunities for both residential and business development. City officials are now enthusiastic about working to make the Arlington district a model of progressive urban planning and city, state and federal resources will be focused on the long neglected neighborhood over the course of the next several years.

The work of the NLS' Community Counsel Program in Lawrence demonstrates that low income consumers through self-directed organizations can be a credible force for resident empowerment and the long-term viability of a neighborhood. ANA can effectively serve as an institutional base from which low-income Arlington consumers can initiate plans for themselves, take back control over neighborhood decisions, and bring substantial resources to the poorest area of Massachusetts.

What are the challenges in the effort for a legal services organization? First and foremost, community counseling represents a change in practice and the culture of legal services. It is not litigation. Many legal service attorneys, especially older veterans, cannot fathom legal work outside of litigation and look askance at a community counsel model. This can be overcome through the same kind of storytelling that powers much of community organizing and community change work of every sort. One thing legal services advocates like is results. As more and more of this work is undertaken the results speak for themselves if we will let them.

NLS' Community Counsel attorney found that he needed strong vocal support from the program director. In response, NLS' program director took countless opportunities to discuss the program and its accom-

plishments with staff and board. He highlighted major achievements on a regular basis and placed them in the context of client empowerment and community change. An emphasis on both the legal and organizing skills involved helped make Community Counseling an appreciated component of NLS.

Organizing and community building must be viewed as a critical part of a lawyer's training. The professional skills and the level of discipline involved in organizing and community building are as rigorous, complex and intellectually challenging as any litigation or traditional advocacy skill. These skills need to be recognized, valued and taught by legal service programs. Personnel policies may need adjustment in order to take an experienced organizer's work history into account to recruit such a staff member at an appropriate salary level.

Additionally, the project shows the transforming power that individual empowerment can bring about for the benefit of all area residents. ANA and its leaders now have the opportunity to make a major impact on the Arlington District. They have organized people and money and the legal support to help guide them through difficult challenges. NLS is committed to helping them achieve that goal for the benefit of the entire low-income community that calls the Arlington district their home.

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2 Some readers will recall the national attention paid to this tragedy when the Mill's owner, Aaron Feuerstein, heroically pledged to continue paying his 3000 employees while the Mill's rebuilding was undertaken.

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IOLTA-funded, pro bono, protection and advocacy, and elderly legal services programs).

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